

Application No. 10/049,615
Amendment dated July 13, 2004
Reply to Office Action of April 21, 2004

REMARKS

Claims 1-4 are pending in this application. Claims 1-4 are herein amended. Reconsideration of the rejections in view of these amendments and the following remarks is respectfully requested.

Rejections under 35 USC §112, Second Paragraph

Claims 1 and 2 were rejected under 35 USC §112, second paragraph, as being indefinite because: claims 1 and 2 recite the limitation “the balance p-type single crystal” in line 5 of claim 1 and line 7 of claim 2, and there is insufficient antecedent basis for this limitation in the claim; and claim 4 recites the limitation “doping the n-type dopant” in line 3, and there is insufficient antecedent basis for this limitation in the claim.

Accordingly, claims 1, 2 and 4 have been amended to overcome these rejections. In the amendments, claims 1 and 2 have been amended to recite “A ferromagnetic p-type single-crystal zinc oxide material comprising a single-crystal of zinc oxide that contains” deleting “the balance p-type single-crystal zinc oxide.”

Double Patenting

Claims 1 and 2 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,527,858 in view of Applicants Admitted Prior Art.

Claims 3 and 4 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,527,858 in view of Applicants Admitted Prior Art, and further in view of Schetzina (U.S. Patent No. 5,679,965).

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Applicants hereby submit a "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent." Thus, the rejections has been overcome and should be withdrawn.

It is submitted that nothing in the cited references, taken either alone or in combination, teaches or suggests all the features recited in each claim of the present invention. Thus all pending claims are in condition for allowance. Reconsideration of the rejections, withdrawal of the rejections and an early issue of a Notice of Allowance are earnestly solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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